

# **Exhibit A**

1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF WASHINGTON AT SEATTLE  
3

4 ENCOMPASS INSURANCE COMPANY, )  
as subrogee of Stephen and )  
5 Stephanie Phillips, )  
)  
6 Plaintiff, )  
)  
7 vs. ) No. 2:23-cv-00231-JCC  
)  
8 NORCOLD, INC., a foreign )  
corporation, )  
9 )  
Defendant. )

10  
11 VIDEO-RECORDED ZOOM 30(b)(6) DEPOSITION  
12 UPON ORAL EXAMINATION  
13 OF  
14 ENCOMPASS INSURANCE COMPANY  
15 THOMAS SABRICK  
16

17 11:11 A.M. (EST)  
18 OCTOBER 5, 2023  
19 WITNESS LOCATION: MILLSBORO, DELAWARE  
20  
21  
22  
23

24 REPORTED BY: CHERYL O. SPRY, CCR No. 2226  
25

1 Counsel will now state their appearances and  
2 affiliations for the record, beginning with the noticing  
3 attorney.

4 MR. FOSS: Todd Foss for defendant Norcold.

5 MR. SHUMSKY: George Shumsky for the  
6 plaintiff.

7 THE VIDEOGRAPHER: Thank you.

8 Would the court reporter please swear in the  
9 witness.

10 THOMAS SABRICK,  
11 sworn as a witness by the Certified Court Reporter,  
12 testified as follows:

13 EXAMINATION

14 BY MR. FOSS:

15 Q. Good morning, Mr. Sabrick. Can you please  
16 state your full name for the record, sir?

17 A. Yes. Thomas Sabrick.

18 Q. Do you have a middle name?

19 A. Allen.

20 Q. How do you spell "Allen"?

21 A. A-L-L-E-N.

22 Q. Mr. Sabrick, have you ever been deposed  
23 before?

24 A. Yes.

25 Q. How many times, ballpark?

1 be correct.

2 Q. Third paragraph down where I'm highlighting  
3 with my cursor, what does that say?

4 A. The local fire investigator has been  
5 assigned -- "The local origin and origin investigator  
6 that has been assigned is Scott Roberts."

7 Q. Okay. And so you told Mr. Phillips that  
8 Mr. Roberts had been -- a fire investigator had been  
9 assigned; correct?

10 A. Yes.

11 Q. And Mr. Roberts was assigned by Encompass;  
12 correct?

13 MR. SHUMSKY: Objection to the form of the  
14 question; misrepresents the testimony.

15 Q. (BY MR. FOSS:) You can answer.

16 A. Mr. Roberts was -- the assignment was given to  
17 Mr. Shumsky's -- or Attorney Shumsky's office.  
18 Mr. Shumsky retained Scott Roberts. I became aware of  
19 Scott Roberts, and advised the insured that Scott  
20 Roberts was the assigned investigator and he would be  
21 out to inspect the loss.

22 Q. Okay. So Encompass went out and retained  
23 counsel, legal counsel within one day of this fire  
24 occurring; is that correct?

25 A. Yes.

1 Q. Okay. So Encompass anticipated potential  
2 litigation; correct?

3 MR. SHUMSKY: Objection to the form of the  
4 question.

5 Q. (BY MR. FOSS:) You can answer, sir.

6 A. It's normal procedure with us, when we have a  
7 large loss, to get counsel involved in the investigation  
8 of loss right from the beginning.

9 Q. Okay. So --

10 A. We do that with this fire loss and any fire  
11 loss of a large loss magnitude.

12 Q. And Encompass went and got legal counsel  
13 involved within a day of the fire?

14 A. Yes.

15 Q. Okay. Now, you also told Steve Phillips on  
16 January 30th, 2021 that Mr. Roberts was looking to  
17 inspect the loss on Tuesday morning.

18 Did I read that correctly in your email?

19 A. Yes.

20 Q. Okay. Down here in the last paragraph you  
21 said -- you told Mr. Phillips, "For now, until the  
22 investigator can inspect the loss do not disturb or  
23 remove anything from within the building."

24 Did I read that correctly?

25 A. Yes.

1 Q. All right. So you were -- why did you tell  
2 Mr. Phillips that?

3 MR. SHUMSKY: Object to the extent that it  
4 will reveal any attorney-client communications that  
5 we've had, Tom.

6 Q. (BY MR. FOSS:) You can answer.

7 A. That would be normal procedure, is not to go  
8 in and take anything out of the building so it gives the  
9 investigator the opportunity to look at the loss as  
10 it -- as it -- as it was, not to disturb any of the --  
11 any of the areas.

12 Q. So Encompass understands that it's important  
13 for fire investigators to be able to go into a fire  
14 scene and inspect the loss area in its immediate  
15 post-loss condition; correct?

16 A. Prior to any disturbance, yes.

17 THE COURT REPORTER: Todd, did you want to  
18 mark that email as 3?

19 MR. FOSS: Correct.

20 THE COURT REPORTER: Thank you.

21 Q. (BY MR. FOSS:) Now, sir, I'm looking back at  
22 a calendar. It appears that January 29th, 2021, the  
23 date of loss, was a Friday and that the date of this  
24 email would have been on a Saturday.

25 Can you verify that?

1 Encompass notified Norcold of the fire loss?

2 MR. SHUMSKY: Yes, absolutely. Yeah, there is  
3 no mystery to it, and we can admit that as an admission.

4 MR. FOSS: And the date of --

5 MR. SHUMSKY: I just thought that would save a  
6 lot of time, you know, because -- with this line of  
7 questioning. We could move on to other things. But  
8 we'll admit, and you can serve us a request for  
9 admission, that Encompass placed Norcold on notice on --  
10 I believe June 23rd, 2021 is the date.

11 MR. FOSS: So we've already served requests  
12 for admissions on you, Mr. Shumsky, and those requests  
13 for admissions were already answered. Okay?

14 MR. SHUMSKY: Yeah, I don't believe you asked  
15 the date that the notice was supplied.

16 MR. FOSS: Okay. The first date that  
17 Encompass and its representatives notified Norcold of  
18 this fire loss was June 23rd, 2021. Can we stipulate to  
19 that?

20 MR. SHUMSKY: Yes, we can stipulate to that on  
21 the record.

22 Q. (BY MR. FOSS:) Mr. Sabrick, you were involved  
23 on behalf of Encompass with communicating with Mr. Steve  
24 Phillips, your insured, regarding the demolition of the  
25 garage hangar building and removal of all the debris and

1 contents in the building after the fire; correct?

2 A. Yes.

3 Q. Okay. All that was done prior to June 23rd,  
4 2021; correct?

5 A. I'm not sure the exact date of when that --  
6 when the scene was cleared and demolition was to take  
7 place.

8 Q. I'm having some issues pulling up a document.  
9 Bear with me. I'm going to pull up a document.

10 (Deposition Exhibit 4 was marked for  
11 identification.)

12 Q. (BY MR. FOSS:) Are you able to see this  
13 document, sir?

14 A. Yes.

15 Q. What is that?

16 A. Yeah, that's the fire demolition and the  
17 debris removal of the -- of the structure there.

18 Q. And this is in relation to the garage hangar  
19 building on the Phillips' property?

20 A. Correct.

21 Q. Okay. The date of this estimate is what,  
22 where my cursor is?

23 A. That would be March 9th, 2021.

24 Q. Is this your signature down here?

25 A. No.



1 Q. Okay. Is that Mr. Phillips' signature, if you  
2 know?

3 A. I'm not aware. It looks like it could be his  
4 signature.

5 Q. Mr. Phillips submitted this estimate to you;  
6 correct?

7 A. Yes.

8 Q. And the estimate was for work in demolishing  
9 the remains of the garage hangar building on the  
10 Phillips' property. True?

11 A. Correct.

12 Q. And removing all the debris in the building;  
13 correct?

14 A. Correct.

15 Q. And disposing of all the, you know, demolished  
16 and existing debris; right?

17 A. Correct.

18 Q. And you on behalf of Encompass approved this  
19 estimate; correct?

20 A. Yes.

21 Q. And what we're looking at now is, excuse me,  
22 PLAINTIFF 115. For some reason, there is a redaction  
23 right here. It's an email from you, Thomas Sabrick,  
24 dated March 12th, 2021; correct?

25 A. Yes.

1 Q. In the body of the email it says, "Hi  
2 Stephen."

3 Do you believe that that's Stephen Phillips?

4 A. Yes.

5 Q. Okay. So this is an email from yourself to  
6 Steve Phillips following up from a telephone  
7 conversation in which you informed him that Encompass  
8 had issued payment in the amount of the estimate?

9 A. Yes.

10 Q. Okay. And that was done on March 12th, 2021;  
11 right?

12 A. Correct.

13 (Deposition Exhibit 5 was marked for  
14 identification.)

15 Q. (BY MR. FOSS:) Exhibit 5 to your deposition  
16 is the next document we pulled up. And this is a letter  
17 from yourself to Steve Phillips, or Steve and Stephanie  
18 Phillips. Right?

19 A. Yes.

20 Q. Okay. And it's essentially stating the same  
21 thing, right, that Encompass has issued payment to the  
22 Phillips in the amount of \$63,602 for the agreed cost  
23 for the demolition and debris removal per the proposal  
24 from R and J Dirtworks; right?

25 A. Yes.

1 A. Correct.

2 Q. Okay. And so we know as of at least  
3 April 6th, 2021, the building had been demolished and  
4 all debris from the fire scene had been removed from the  
5 fire scene; right?

6 A. Correct.

7 Q. This next document is the document that your  
8 counsel just referred to. It is a letter from your  
9 counsel's law firm to Norcold, dated June 23rd, 2021.  
10 Do you see this?

11 A. I do.

12 Q. And do you see it says, Our office represents  
13 the Encompass Insurance Company, or Encompass, in  
14 connection with the above claim. On January 29, 2021 a  
15 fire associated with a Norcold large stainless steel  
16 double-door refrigerator (the refrigerator) caused  
17 damage to the 2006 Monaco Diplomat 40PAQ RV it was  
18 installed in and surrounding property.

19 Did I read all that correctly?

20 A. Yes.

21 Q. And that letter is written from Brent Hardy of  
22 the Shumsky and Backman law firm; right?

23 A. Correct.

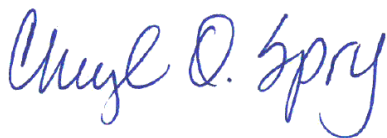
24 Q. Okay. And that letter was written on behalf  
25 of Encompass; correct?

REPORTER'S CERTIFICATE

I, CHERYL O. SPRY, the undersigned Certified Court Reporter, pursuant to RCW 5.28.010, authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify:

That the sworn testimony and/or proceedings, a transcript of which is attached, was given before me at the time and place stated therein; that any and/or all witness(es) were by me duly sworn to testify to the truth; that the sworn testimony and/or proceedings were by me stenographically recorded and transcribed under my supervision, to the best of my ability; that the foregoing transcript contains a full, true, and accurate record of all the sworn testimony and/or proceedings given and occurring at the time and place stated in the transcript; a review of which was requested; that I am in no way related to any party to the matter, nor to any counsel, nor do I have any financial interest in the event of the cause.

WITNESS MY HAND AND DIGITAL SIGNATURE THIS 10th day of OCTOBER, 2023.



CHERYL O. SPRY

Washington State Certified Court Reporter No. 2226